

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMON T. BRIM,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	5:10-cv-0369-IPJ
MIDLAND CREDIT)	
MANAGEMENT, INC. and)	
MIDLAND FUNDING, LLC,)	
)	
Defendants.)	

DEFENDANT'S WITNESS AND EXHIBIT LISTS

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and this Court's Scheduling Order, Defendant Midland Credit Management, Inc. ("Midland") submits the following lists of possible witnesses and exhibits at the trial of this matter:

I. Witness List

A. Witnesses Defendant Expects to Present

Midland expects to present the following witnesses at the trial of this matter:

1. Anna Bright or another employee of Redstone Federal Credit Union's ACH research group
Redstone Federal Credit Union
23149 John T. Reid Parkway
Scottsboro, Alabama 35768
(256) 837-6110

2. Gabriel Edrozo, Midland Credit Management, Inc.
c/o Counsel for Defendants
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203
(205) 251-8100
3. Rachel Garlock, Dell Financial Services (by videotaped deposition)
c/o Keith Andress
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
420 20th Street North, Suite 1600
Birmingham, AL 35230
(205) 328-0480

B. Witnesses That May Be Presented if the Need Arises

Midland may present the following witnesses at trial if the need arises:

4. Kathy Rogan, Encore Capital Group, Inc.
c/o Counsel for Defendant
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 25203
(205) 251-8100
5. Jamon T. Brim (in person and/or by deposition)
c/o Counsel for Plaintiff
549 West Evans Street, Suite E
Florence, SC 29501
(843) 665-1717
6. Vickie Banks, Equifax Information Services, Inc. (by videotaped deposition)
c/o K. Ann Broussard
King & Spalding, LLP
1230 West Peachtree Street
Atlanta, GA 30309
(404) 572-4600

7. Kim Hughes, Experian Information Solutions (by videotaped deposition)
c/o Rebecca Crawford
Jones Day
1420 Peachtree Street, NE, Suite 800
Atlanta, GA 30309-3521
(404) 521-3939
8. Steven Newnom, Trans Union LLC (by videotaped deposition)
c/o Marc Kirkland
Strasburger and Price
2801 Network Blvd., Suite 600
Frisco, TX 75034
(469) 287-3900
9. Angelique Purvis Ross, Midland Credit Management, Inc. (by deposition)
c/o Counsel for Defendant
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203
(205) 251-8100
10. Any witness needed for rebuttal or impeachment purposes.

Midland reserves the right to amend this witness list in the event the identities of additional witnesses are discovered. Midland, by listing a witness, does not consent to the testimony of such witness offered by the Plaintiff.

II. Exhibit List

A. Items Defendant Expects to Offer

Midland expects to offer the following documents at the trial¹ of this matter:

1. July 29, 2008 letter from Jamon Brim to Midland Credit Management, Inc., Defendant's Bates No. 00003-00004
2. March 10, 2009 letter from Jamon Brim to Midland Credit Management, Inc., Defendant's Bates No. 00005-00006
3. Updated copy of Customer Additional Data form with Defendant's Bates No. 00007
4. Updated copy of GUI Notes with Defendant's Bates No. 00052-00054
5. Updated copy of Production Notes with Defendant's Bates No. 00014-00015
6. February 25, 2010 ACDV from Trans Union, Defendant's Bates No. 38
7. Updated copy of Credit Bureau Reports with Defendant's Bates No. 00088-00090
8. Portions of Midland's Consumer Relations Manual, Defendant's Bates No. 00163-00169
9. Portions of Midland's Training Manual, Defendant's Bates No. 00202-00204
10. September 9, 2010 Universal Data Form, Defendant's Bates No. 000206
11. November 16, 2005 correspondence from the Better Business Bureau to Jamon Brim, Plaintiff's Bates No. 0003-0004

¹ This list consists of exhibits expected to be offered only at the trial of this matter. Defendant reserves the right to offer additional exhibits, if necessary, in connection with any post-trial proceeding concerning attorneys' fees, expenses, or costs for either party.

12. Receivable Purchase Agreement between Midland Funding, LLC and Dell Financial Services, LLC, Exhibit 1 to Declaration of Kathy Rogan submitted with Defendant's November 15, 2010 Motion for Summary Judgment
13. Better Business Bureau case file produced in response to Defendant's subpoena, Defendant's Bates No. BBB 0001-0025
14. Settlement Agreement between Plaintiff and Dell Financial Services, LLC in the above-referenced case
15. Settlement Agreement between Plaintiff and Trans Union, LLC in the case styled *Jamon T. Brim v. Experian Information Solutions, Inc.*, et al., No. 5:10-cv-00368-CLS
16. Settlement Agreement between Plaintiff and Experian Information Solutions in the case styled *Jamon T. Brim v. Experian Information Solutions, Inc.*, et al., No. 5:10-cv-00368-CLS
17. Settlement Agreement between Plaintiff and Equifax Information Services, Inc. in the case styled *Jamon T. Brim v. Experian Information Solutions, Inc.*, et al., No. 5:10-cv-00368-CLS
18. Dell receipts, offered as Exhibits 1 and 2 at the trial deposition of Dell Financial Services, LLC
19. Consumer Credit Contract, offered as Exhibit 3 at the trial deposition of Dell Financial Services, LLC
20. Monthly statement produced by Redstone Federal Credit Union in response to Defendant's subpoena, including Affidavit of Records, offered as Exhibit 4 at the trial deposition of Dell Financial Services, LLC
21. Dell Financial Services Account Information, offered as Exhibit 5 at the trial deposition of Dell Financial Services, LLC
22. Fiserv (DFS) Account Information and Call Notes, offered as Exhibit 6 at the trial deposition of Dell Financial Services, LLC

23. August 10, 2010 Research Request for ACH Transactions, including transactional detail report, produced by Plaintiff with no Bates label and offered as Exhibit 7 to trial deposition of Dell Financial Services, LLC
24. BBB Complaint Activity Report, offered as Exhibit 8 at the trial deposition of Dell Financial Services, LLC
25. ACDV Responses, offered as Exhibit 9 at the trial deposition of Dell Financial Services, LLC

B. Items That May Be Offered If the Need Arises

Midland may present the following documents and exhibits if the need arises:

26. Exhibits 1 through 19 offered by Plaintiff at the trial deposition of Trans Union, LLC
27. Exhibits 1 through 18 offered by Plaintiff at the trial deposition of Experian Information Solutions
28. Exhibits 1 through 8 offered by Plaintiff at the trial deposition of Equifax Information Services, Inc.
29. Any documents on Plaintiff's exhibit list to which Midland does not object
30. Any documents needed for impeachment or rebuttal purposes

Defendant reserves the right to amend this exhibit list in the event additional documents are discovered.

Defendant, by listing a document, does not consent to the admissibility of such document offered by the Plaintiff, and the foregoing is not a waiver of any

objections which Defendant may make to any document attempted to be offered by the Plaintiff at trial.

Respectfully submitted this 1st day of February, 2011.

/s/ Jason B. Tompkins

One of the Attorneys for Defendants
Midland Funding, LLC and
Midland Credit Management, Inc.

OF COUNSEL:

Eric B. Langley
Jason B. Tompkins
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, Alabama 35201-0306
Telephone: (205)251-8100
Facsimile: (205)226-8799
elangley@balch.com
jtompkins@balch.com

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of February, 2011, I have filed the above and foregoing with the Clerk of the Court via the CM/ECF electronic filing system, which will send notification to all counsel of record listed below:

Penny Hays Cauley
HAYS CAULEY PC
P. O. Box 509
Darlington, SC 29540

Ronald C Sykstus
BOND BOTES SYKSTUS & LARSEN PC
415 Church Street, Suite 100
Huntsville, AL 35801

/s/ Jason B. Tompkins

Of Counsel